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I. LAND AND PEOPLE

Location and size

1. Jamaica is an island located south of Cuba and west of Haiti in the Caribbean Sea, with a total area of approximately 11,244 square kilometres. It is the largest English-speaking Caribbean island.

Demography

Population size and growth

Year	Population	Population density	Population growth rate
1985	2 325 500	189.2	1.3
1986	2 346 100	190.9	0.9
1987	2 355 100	191.6	0.4
1988	2 357 700	191.8	0.1
1989	2 392 000	194.6	1.5
1990	2 414 900	196.5	1.0
1991	2 435 500	198.1	0.9
1992	2 460 500	200.2	1.0
1993	2 482 600	202.0	0.9
1994	2 509 600	204.2	1.1

2. Since 1990, the population has been growing at an annual average of 1 per cent, and was estimated to be approximately 2.5 million in 1995. The population is expected to increase at an annual rate of growth of between 0.5 per cent and 1.0 per cent during the next three decades. This will result in a population of approximately 2.7 million by the year 2000 and about 3.0 million by the year 2020. Approximately 55 per cent of the population live in urban areas.

3. The population structure of Jamaica has been experiencing significant changes due mainly to a reduction in fertility, an increase in life expectancy and continuing migration.

Population structure

	% population < 15 years	% population ≥ 65 years
1985	36.3	7.0
1986	35.6	7.1
1987	34.9	7.2
1988	34.3	7.5
1989	33.8	7.5
1990	33.3	7.6
1991	33.0	7.7
1992	32.5	7.7
1993	31.9	7.7
1994	31.6	7.8

4. In 1960, the population under 15 years was estimated at 46 per cent of the total and the elderly segment of the population 60 years and over was estimated at 6.7 per cent.

5. The labour force age group 15-59 years is also experiencing significant changes. In 1960, this age group was estimated at about 46 per cent. In 1982, it was estimated at 52 per cent and 58 per cent in 1993. Population projections indicate that these age groups will continue to experience changes in the future. The under-15 age group will continue to decline while the labour force and the elderly segments will undergo dramatic growth.

International migration

6. Emigration has played an important role in the population dynamics of Jamaica. Between 1943 and 1960, an annual rate of approximately 8 per 1,000 population emigrated to the United Kingdom, Canada and the United States of America. Between 1960 and 1993, the level of emigration to these destinations increased to about 11 per 1,000 population or over 20,000 annually. It is important to note that since 1970, the reduction in population resulting from emigration has been higher than the loss due to deaths.

7. Emigration has not only contributed to the reduction of population growth and the provision of foreign exchange remittances; it has also influenced negatively the pace of social and economic development through the loss of critical human resources. An examination of the streams of emigration between 1960 and 1993 revealed that an estimated 46 per cent of emigrants were categorized as workers. Of the total number of emigrant workers, approximately 65 per cent were skilled.

Social indicators

8. Jamaica's social indicators have tended to be quite good. In terms of education, the adult literacy rate stood at 75.4 per cent in 1994 and school enrolment at the primary and secondary levels was close to 100 per cent in 1995.

Literacy rate

	1987	1990	1992	1994
Literate population (%)	67.8	98.0	99.0	75.4

9. However, the stabilization and structural adjustment processes produced tremendous social costs. Government's expenditure on social welfare and services has been constrained under structural adjustment by the large debt burden, the downsizing of the public service and the privatization of certain services. As a consequence, services such as health and education have received insufficient funding, resulting in a critical shortage of manpower and equipment which has had an adverse impact on the quality of these services. For example, functional illiteracy among school leavers is relatively high even with the high level of school enrolment.

Health

Health indicators for years 1982-1994

	Year			
	1982	1986	1990	1994
Contraceptive use (% women 15-44 in conjugal unions)	*	*	55.0 (1989)	63.0 (1993)
Total fertility rate (children per woman)	3.3	2.4	2.9	3.0
Crude birth rate (/1 000)	27.4	22.6	24.8	23.7
Infant mortality (/1 000)	*	26.0	29.8	15.0 (1993)
Maternal mortality rate (/1 000)	*	1.1	1.0	1.3
Malnutrition (% children 0-35 months)	*	26.0	6.9	5.6 (1995)
Life expectancy (years)	70.0	70.0 (1985)	73.1	73.6
Crude death rate (/1 000)	5.6	5.5	5.1	5.4

* Not available.

10. Jamaica's primary health care represents a holistic approach to health-care delivery, and based on the major elements, the focus is on:

(a) Education about prevailing health problems, their prevention and control;

(b) Food supply and proper nutrition;

(c) Safe water and basic sanitation;

(d) Maternal and child health and family planning services;

(e) Immunization against the preventable immunizable diseases (tuberculosis, diphtheria, pertussis, tetanus, polio, measles, rubella);

(f) Prevention and control of communicable diseases;

(g) Appropriate treatment for common disorders and injuries;

(h) Availability of essential drugs.

11. Health care is delivered through approximately 360 health centres which ensure easy access to basic health-care services at the most peripheral (district) levels of the society. In addition, 26 public and 7 private hospitals meet the needs of clients requiring hospital care.

12. Jamaica has recognized that substantial improvements in health status can be achieved, particularly through targeting reduction in infant and child mortality, maternal mortality and deaths due to chronic diseases, motor vehicle accidents and homicides. Special attention has also been placed in controlling the level and spread of HIV/AIDS infections through targeting high-risk groups. It is anticipated that achievements in these areas will increase life expectancy at birth to more than 74 years by the year 2000.

13. The Expanded Programme of Immunization (EPI) is fully institutionalized in Jamaica, with vaccinations routinely given to all children attending public and private clinics. Outreach activities provide coverage to those in more isolated areas. Thus, immunization coverage for children under one year old has increased steadily over the past 10 years. Universal coverage has been achieved for BCG, and more than 90 per cent for diphtheria, pertussis and tetanus. Measles coverage is not as widespread, although it is now given to children at nine months.

14. Environmental health is an integral part of the health-care delivery system and although large sums continue to be spent, there is still work to be done in this area. The collection and disposal of solid and toxic waste are problematic, air pollution has begun to make a noticeable negative impact on health, and the pollution of the ocean is reflected in the effects it has on marine life. In 1995 88 per cent of the population was served with potable water and in 1993 98 per cent had approved toilet facilities: these figures have remained fairly stable since the 1980s.

15. Occupational health and safety is supervised by the Ministry of Health. In collaboration with the Ministry of Labour, it works to implement policies based on the Factories Act of 1942. In addition, the vibrant trade union movement ensures that policies are properly implemented and monitored. Efforts are also being made to draft new legislation to update the Factories Act to address developments in occupational health and safety.

16. In 1982 a Population Policy seeking to improve basic human needs and the quality of life in education, housing, health and nutrition, among other things, was enacted. Aspects of the policy were translated into a health policy instrument that was population-responsive and could help people make informed decisions about their fertility goals while maintaining their rights and freedoms.

17. Although GDP increased during the period under review, the effect was minimal in real social terms. Due to structural adjustment food subsidies were removed and the labour force contracted. The expenditure on health as a percentage of GDP declined gradually, moving from 3.6 per cent in 1982 to 2.5 per cent in 1985 and to 2.8 per cent in 1992. Consequently, the nutritional status of the "at risk" group (children, pregnant and lactating women and the elderly) became more unstable.

18. This resulted in shortages of trained manpower, further neglect of routine maintenance and rationalization of services (closure or downgrading of some health-care delivery facilities). It was clear that there would be even more of a decline in the quantity and quality of health care if corrective measures were not swiftly implemented.

II. THE ECONOMY

19. The last several decades have been marked by difficult economic and social conditions in Jamaica. The 1970s trend of economic decline continued into the 1980s, and for most of the 1980s the Government had increasingly to rely on foreign borrowing for balance-of-payments support and to meet its fiscal expenditure needs. In 1980, Government deficit as a proportion of GDP stood at 14.7 per cent. To reverse the macroeconomic trends and restore economic stability and growth, Jamaica's economic performance for the period 1981-1996 involved a series of stabilization measures and adjustment policies. Reforms requiring deregulation and privatization, affecting areas such as tariffs and trade, the financial sector and the public sector, were aimed at liberalizing the economy and fostering increased private sector, export-oriented activities.

20. There was a reduction in the direct participation of the State in economic activity. There has also been an increased openness in the economy and some diversification in the export sector leading to an increase in non-traditional exports (particularly manufactured exports). In addition, there has, in recent years, been growth in the service sector which accounted for 74.7 per cent of real GDP in 1995. Growth has been particularly pronounced in the financial sector and distribution subsectors which increased their share of real GDP from 5.6 per cent and 15.0 per cent in 1980 to 5.1 per cent and 22.4 per cent in 1995, respectively. These reforms have not yet produced sufficient growth because the Government is focusing on ensuring stability through restrictive fiscal and monetary policies.

21. Although unemployment fell from 27.3 per cent in 1980 to 16.2 per cent in 1995, it remained high among women and persons under 25 years of age. Periods of high inflation have brought greater hardship for pensioners, the unemployed and persons falling within the lower and middle income groups.

22. During the period 1981-1985, the country embarked on a three-year stabilization programme with the International Monetary Fund. During this period, there was a movement away from import-substitution and a high level of protection towards greater emphasis on exports, with particular focus on the manufacturing and agriculture sectors. Growth, averaging approximately 2.0 per cent, was recorded for the period. In 1981, private capital flows recorded a surplus of US$ 12 million, compared with a deficit of US$ 147 million in 1980 due to an increase in private capital inflows and debt rescheduling. Inflation moderated to an annual average of 5.6 per cent in 1981 and 1982 due to the increased availability of consumer goods and the reduction in central Government's recurrent deficit as a percentage of GDP. However, a large increase in import demand, particularly for basic foods and raw materials, coupled with a fall off in foreign exchange earnings due to decline in major export industries (bauxite/alumina and sugar) resulted in deterioration in the balance of payments during the three-year period. By the end of 1983, the deficit stood at US$ 279.7 million and this put tremendous pressure on the foreign exchange market.

23. The 1984-1985 period witnessed a reversion to negative GDP growth while balance-of-payments problems persisted and the external debt burden grew. The contraction of the economy and the worsening balance-of-payments problem was attributed in part to the accelerated decline in the bauxite/alumina industry due to the continued recession in the world economy. A more stringent adjustment programme was initiated but the restrictive monetary and fiscal policies, which involved the introduction of an auction for the exchange rate, caused a devaluation in the currency to J$ 5.50 = US$ 1.

24. The agriculture and manufacturing sectors benefited from targeted government schemes such as increased infrastructure and commercial bank funding as well as increased access to the United States and European markets via the Caribbean Basin Initiative and Lomé III agreements, respectively. This yielded strong growth in non-traditional agriculture and garment manufacturing. However, an acceleration in inflation to an average of 23.7 per cent precipitated the devaluation of the currency and caused an increase in the debt burden.

25. The 1986-1990 period was generally characterized by strong economic growth averaging approximately 5.0 per cent, moderate inflation and a relatively stable exchange rate. World oil prices had fallen significantly, which assisted in the improvement in the trade deficit. Growth in the export sector picked up, spurred by an expansion in non-traditional and service exports as well as an upturn in the bauxite/alumina industry and by expansion in the world economy. The government sector contracted and Government's share of domestic credit declined. Growth in the manufacturing exports and service sectors as well as the increase in the number of self-employed led to a reduction in unemployment from 25.5 per cent in 1985 to 17.6 per cent in 1990. The social sector policy emphasized training for young people (e.g. to supply labour to the garment manufacturing industry) and self-employment was encouraged.

26. In spite of the good growth rate overall, certain sections of industry, in particular manufacturing, continued to operate with trade protection, obsolete technology and a lack of diversification, which hindered competitiveness. The country's external debt continued to be a problem and it constrained Government's investment expenditure on infrastructure and social development. In addition, a hurricane in 1988 had a devastating effect on a number of industries requiring almost a third of GDP to replace the lost stock. A significant proportion of the fiscal budget had to be redirected to the rebuilding effort. The upsurge in import demand which followed put pressure on the exchange rate.

27. The economic adjustment process which started in the 1980s was accelerated in the 1990s to effect a more competitive, market-oriented economy. This was within the context of a global economic environment moving towards barrier-free trade among nations and a simultaneous move away from preferential arrangements such as those accorded to much of Jamaica's exports, especially in light of the developments in the Uruguay Round of GATT negotiations. Reforms during this period included the adoption of a liberalized foreign exchange market, interest rate policy, the elimination of price controls and subsidies, trade liberalization and tariff reform, deregulation, a stepped-up privatization effort, fiscal reform and financial sector reform.

28. With the liberalization of the foreign exchange market in 1991, the currency depreciated to J$ 12.30 = US$ 1 in 1991 from J$ 7.20 = US$ 1 in 1990. Inflation in that year jumped to 80.2 per cent, up from 29.8 per cent in 1990. This instability helped to stunt growth in the economy with real GDP growth falling to 0.7 per cent in 1991, down from 5.5 per cent in 1990. This was exacerbated by the strong competition domestic producers faced from imports due to the liberalization of trade. Policy makers were challenged with how to restore stability and at the same time stimulate investment and growth. Government pursued a tight demand-management policy to restrain consumption demand and stabilize the economy in the short run while at the same time providing supply-side incentives in order to encourage investment and growth. However, a number of factors, including increased wage demands to compensate for high inflation, high import demand, and structural reform measures such as the removal of subsidies and price controls, led to recurring bouts of instability, which exacerbated the stagnation in growth. With the lowering of import barriers import growth remained high, averaging 8.3 per cent per annum over the 1991-1995 period while merchandise exports grew at a slower pace of 4.8 per cent per annum. GDP over the period averaged only 1.0 per cent and, as a result, the unemployed rate remained relatively flat, averaging 15.8 per cent per annum.

29. By the 1995-1996 period, however, some successes were evident. In terms of the stabilization objective, inflation, though remaining above that of the major trading partners, slowed each year since the record rate of 80.2 per cent in 1991, reaching an annual rate of 5 per cent for the financial year 1996/97. Available data for 1996 points to a continued moderation in inflation as well as stability in the exchange rate with liberalization of the foreign exchange market and an increase in international reserves to US$ 421.3 million by the end of 1995 and further to US$ 515.0 million by March 1996. Low overall GDP growth masked strong growth in selected areas

such as export manufacturing, domestic agriculture and tourism services. The domestic export growth rate accelerated to reach 16.7 per cent in 1995, helped by growth in non-traditional export manufacturing and strong growth in world demand for aluminium and its spillover effect on the domestic bauxite/alumina industry. Fiscal surpluses were attained for most of the period. The public sector surplus for the financial year 1995/96 was approximately 3.0 per cent of GDP. External debt has been consistently reduced whereas the local debt market has become more active. The Government also ceased using the Extended Fund Facility of the IMF in 1995.

30. With significant progress made towards implementing many of the structural reform measures, the Government has recently formulated a three-phased National Industrial Policy to consolidate achievements and steer the economy towards balance-of-payments viability, sustained export growth, increased employment and reduced poverty. This policy is expected to stimulate private sector investment while the Government plays primarily a facilitating and regulatory role. The Public Sector Investment Programme will provide the necessary infrastructure to support private sector development. A Social Partnership among the Government, business and labour to complement monetary and fiscal policies in effecting inflation reduction will be the first phase of the industrial policy. The second and third phases will involve directing incentives and financial and institutional support to "industry clusters" deemed to have the greatest potential for growth. At the same time a Social Investment Fund is being set up to facilitate community-based investment projects geared to generate jobs for the most vulnerable population groups as an important tool in reducing poverty. A number of reforms are also taking place with regard to education and health in order to find the most feasible mix of public and private sector participation in the provision of these services, increase cost recovery while at the same time ensuring affordable access to those who most need it.

III. GENERAL POLITICAL STRUCTURE

31. In 1962, Jamaica became an independent member of the Commonwealth of Nations. The country is a constitutional monarchy with a legislature consisting of a House of Representatives and a Senate. The House of Representatives comprises 60 members who are chosen every five years in general elections held under universal adult suffrage. The Senate consists of 21 members, 13 of whom are nominated by the Government and 8 of whom are nominated by the Opposition, and appointed by the Governor-General. The Governor-General represents the Queen and performs ceremonial duties. The Executive Government is headed by a Prime Minister assisted by a Cabinet of Ministers with portfolio responsibilities for different subject matters. There is an independent judiciary with power to adjudicate on civil and criminal matters including the constitutionality of legislation passed by the Government.

32. Jamaica's political history has been dominated by two major political parties: the Peoples' National Party (PNP), currently in power and led by the Prime Minister, the Right Honourable Percival J. Patterson, and the Jamaica Labour Party (JLP), currently in Opposition and led by the Right Honourable Edward Seaga. Either party has formed the Government since 1944. In 1995, a third political party, the National Democratic Movement (NDM), was formed and is now preparing to contest general elections.

33. The three political parties support the principles of democracy. The present Government, which was elected in 1993, has placed increased emphasis on social reform and economic growth and remains committed to the economic liberalization measures implemented in 1991 which cover the privatization of public enterprises, tax reform and the creation of a more attractive investment climate.

IV. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

34. The civil and political rights of persons in Jamaica are protected by the Jamaican Constitution which came into force upon the independence of Jamaica from Britain on 6 August 1962. The Constitution includes provisions safeguarding the fundamental freedoms of the individual, irrespective of race, place of origin, political opinions, colour, creed or sex, subject to respect for the rights and freedoms of others and for the public interest. The fundamental freedoms include the right to life, liberty, property and security of the person, and protection from arbitrary arrest or restriction of movement.

35. These rights form part of the entrenched, as distinct from the ordinary, provisions of the Constitution, that is to say, they can only be amended by a two thirds majority of both Houses of Parliament. Ordinary provisions of the Constitution can be amended by a simple majority of both Houses.

36. The fundamental rights are entrenched in chapter III of the Constitution. Any person who alleges a breach of these rights may apply for redress in the courts.

37. The Constitution provides for derogation from constitutional rights in certain situations, notably in the interest of public security, defence, public safety, public order, public morality and public health. There is also a general provision for a period of public emergency which may be called by proclamation by the Governor-General. During such a period fundamental rights may be restricted, abridged and limited to the extent necessary to cope with the cause of the emergency.

38. In order for the provisions of any international agreement to which Jamaica is a party to become enforceable by the courts, legislation implementing the agreement is necessary. No such legislation has been enacted in relation to the International Covenant on Civil and Political Rights. However, the provisions of the Covenant are substantially similar to those found in chapter III of the Constitution, which deal with fundamental rights and freedoms of the individual. They would be enforceable by the courts, therefore, qua Constitution and not qua Covenant. Additionally, a provision of the Covenant which reflects a rule of customary international law would be enforceable by the courts as part of the common law of Jamaica.

39. The authorities with jurisdiction affecting human rights are essentially the courts, the Office of the Ombudsman and the institutions which are generally responsible for dealing with the public.

40. The Constitution itself provides that if any person alleges that his constitutional rights are being, or are likely to be contravened, he may apply to the Supreme Court for redress. The Court can hear and determine any application made to it and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of the constitutional provision alleged to have been breached.

41. Other remedies open to an individual lie in recourse to the courts and ancillary bodies. A complaint can be laid with the police as the basis of investigation and arrest on a charge related to the subject matter of the complainant. A complainant could also opt for civil action to seek compensation for any damage inflicted, or to seek an injunction or a declaration to prevent repeated violation.

42. Civil remedies available to protect the rights of citizens are prerogative writs of certiorari and mandamus, for example. Through these writs the courts exercise a supervisory jurisdiction. Certiorari is defined as an order issued to an inferior court or body or person exercising what is regarded by the High Court as a judicial or quasi-judicial function, to have the record of the proceedings reviewed by the High Court and to be quashed if faulty. Certiorari is used to restrain public authorities from acting where they have no jurisdiction or where they have exceeded their jurisdiction. Certiorari is often used by public servants and others, e.g. police officers, soldiers, or students, to challenge decisions relating to dismissal or expulsion, transfer or disciplinary proceedings. It is also used to review decisions made without regard to the principles of natural justice. Mandamus is an order which may be issued to any person or body, commanding him or them to carry out some public duty.

43. If violations are alleged on the part of an administrator within Government, complaints may be taken to the Ombudsman within the limitations set out in the Ombudsman Act. He may investigate the matter and make recommendations and reports to the relevant department and/or Parliament on that complaint. There are restrictions on this, however, as the Ombudsman shall not investigate:

(a) Any action for which the complainant already has legal remedy in court or any other tribunal, unless it was not reasonable for the person to take such action;

(b) Any legal proceedings in Jamaica or in an international court or tribunal;

(c) Action taken regarding orders or directions to the Jamaica Defence Force or its members of any matter under the Defence Act;

(d) Action by the Minister as regards extradition;

(e) Actions or decisions of any service commission regarding appointments, removal or discipline of any person;

(f) Granting of national honours and awards;

(g) Exercise of the prerogative of mercy done under section 90 of the Constitution;

(h) Any action into which, under statute, no inquiry may be made.

44. The Ombudsman may elect not to investigate if s/he thinks the subject of the complaint is trivial, frivolous, vexatious and not made in good faith, if there was too much delay in making the complaint, if the complainant has no or insufficient interest in the subject matter, or if in the circumstances no investigation is necessary.

Police Public Complaints Authority

45. This is an independent body established by the Police Public Complaints Authority Act, 1992. Its function is to investigate complaints against the police, especially where there is an allegation of criminal behaviour. It is currently headed by a retired Supreme Court Justice and has attorneys and investigators, among others, on staff. As an independent body the Authority monitors, supervises and reviews complaints made by members of the public. It can also initiate investigations into allegations of misconduct.

46. When the Authority receives a complaint and its investigations reveal that there has been a breach of conduct by police officers, it submits a report with an appraisal and a recommendation to the Commissioner of Police. If the report finds that a criminal offence may have occurred, this report, along with statements and exhibits, is sent to the Director of Public Prosecutions and the Commissioner is advised. The Commissioner is required to give written notice to the Authority after taking action. If he finds that no action is warranted, or that the constable is to be counselled, he must state his reasons. The Authority started receiving complaints in April 1993.